

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CITIZENS FOR A BETTER
KETTERING, individually and on
behalf of all others similarly situated, *et*
al.,

PLAINTIFF

v

THE CITY OF KETTERING, OHIO,
et al.

DEFENDANT

*

Case No. 3:12-cv-147

Judge Black

*

*

AGREED PERMANENT
INJUNCTION AND FINAL
ENTRY

*

Pursuant to the agreement and consent of the parties herein, it is hereby ORDERED that the City of Kettering, including all officials, employees or those acting on its behalf, are hereby ESTOPPED and ENJOINED from enforcing any rule or regulation (except for reasonable time, place, and manner restrictions), that restricts, limits, or prohibits any individual or organization that desires, now or in the future, from engaging in non-commercial protected speech, including, but not limited to, the circulation of petitions, in all parts of the Civic Commons Park (with the exception of the Frazee Pavillion area, hereinafter identified as the area depicted with hash marks as shown in Exhibit A) in the City of Kettering during the Kettering Block Party (now or in the future) or during any other festivals or events held in any portion of Civic Commons Park (excluding the Frazee Pavillion) that are free and open to the general public. Nothing herein shall prohibit the closing of portions of the park for events that are not free and open to the public, and such areas, depending upon the size of the event, shall generally include the area shown by the hash marks as shown in Exhibit B.

Nothing herein shall prohibit or restrict the ability or authority of the City of Kettering from restricting, regulating or prohibiting the use of sound amplification by individuals or organizations engaging in non-commercial protected speech in any parts of the Civic Commons Park; and

Nothing herein shall be deemed to restrict the ability of the City of Kettering to communicate its own governmental message to its citizens pursuant to the government speech doctrine:

The Court shall retain jurisdiction for the purpose of enforcing this Agreed Permanent Injunction. This is a final entry.

SO ORDERED.



Judge Timothy S. Black


Reviewed and Agreed:

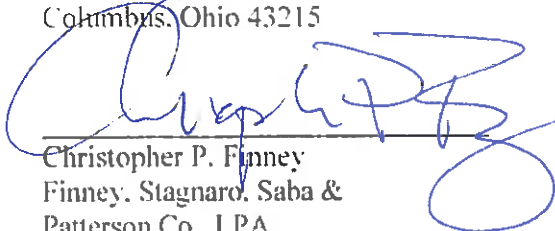


s. Wayne E. Waite
Wayne E. Waite (0008352)
Kelly M. Schroeder (#0080637)
FREUND, FREEZE & ARNOLD
Fifth Third Center
1 South Main Street, Suite 1800
Dayton, OH 45402-2017
(937) 222-2424
wwaite@flaw.com
Attorneys for Defendants

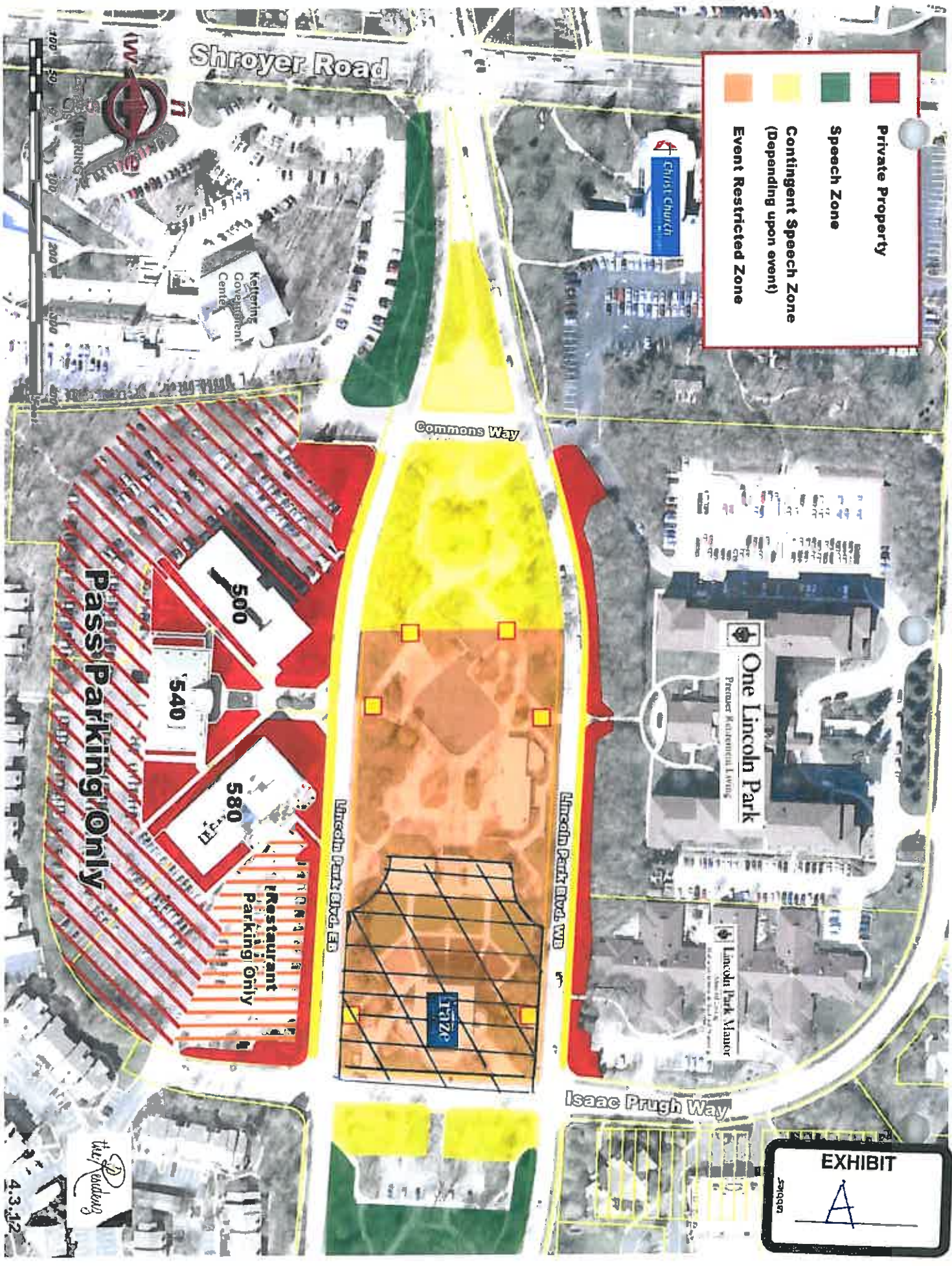
Theodore A. Hamer, III (0041886)
Law Director
Law Department
City of Kettering
3600 Shroyer Road
Kettering, OH 45429
(937) 296-2400
Co-counsel for Defendants
City of Kettering, et al.


Curt C. Hartman
The Law Firm of Curt C. Hartman
3749 Fox Point Court
Amelia, Ohio 45102
per tel auth
5/22/12
C/F


Maurice A. Thompson
1851 Center for Constitutional Law
208 E. State Street
Columbus, Ohio 43215
per tel auth
5/22/12
C/F


Christopher P. Finney
Finney, Stagnaro, Saba &
Patterson Co., LPA
2623 Erie Avenue
P.O. Box 8804
Cincinnati, Ohio 45208

	Private Property
	Speech Zone
	Contingent Speech Zone (Depending upon event)
	Event Restricted Zone



EXHIBIT

A

5/10/2021

the parking


	Private Property
	Speech Zone
	Contingent Speech Zone (Depending upon event)
	Event Restricted Zone

Christ Church

Shroyer Road

Commons Way

 **One Lincoln Park**
Pecquet Retirement Living

 **Lincoln Park Manor**
Assisted Living

Lincoln Park Blvd. WB

Lincoln Park Blvd. EB

Isaac Prugh Way

**Pass
Parking
Only**

500

540

580

**Pass
Parking
Only**

**Restaurant
Parking Only**



City of Kettering

CITY OF KETTERING
GIS

4.9.12

EXHIBIT
B